

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MALAK BAALIM,)
a/k/a NORBERT K.O. CODY, II)
)
 Plaintiff,)
)
 v.) No. 4:21 CV 847 MTS
)
 GREAT AMERICAN TITLE)
 COMPANY, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER OF TRANSFER

This matter comes before the Court on the motion of plaintiff Malak Baalim, also known as Norbert K.O. Cody, II, for leave to commence this civil action without prepayment of the required filing fee. Doc. [2]. The motion will be provisionally granted. Additionally, for the reasons discussed below, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Background

Plaintiff is a self-represented litigant who is currently incarcerated in the Saint Louis City Justice Center, but who provides a home address in Clearwater, Florida. As best the Court can tell, he brings this civil action pursuant to 28 U.S.C. § 1332, seeking to quiet title to property, set aside a sale, and for ejectment. Doc. [1] at 2.

The defendants – who plaintiff calls “debtors” – are Great American Title Company, Keller Williams Lake of the Ozarks Realty, Berkshire Hathaway Home Services Lake Ozark Realty, and Robert L. Montgomery.

With regard to his claim, plaintiff alleges that he signed a contract with defendants to purchase property located at 1162 Las Campanas, Sunrise Beach, Missouri. Doc. [1] at 2-4. According to plaintiff, he left a check with Great American Title Company, but that check was never processed or returned to him. Doc. [1] at 3. He contends that he provided “the instrument for funds to be paid” but “never received title and keys.” Plaintiff accuses defendants of breaching their contract by failing to complete the “exchange of funds and property.” Doc. [1] at 4.

Discussion

As noted above, plaintiff is a self-represented litigant bringing a civil action against defendants to quiet title, set aside a sale of property, and for ejectment. Plaintiff states that Great American Title Company is located in Osage Beach, Missouri; that Keller Williams and Berkshire Hathaway are located in Lake Ozark, Missouri; and that Robert L. Montgomery is located in Sunrise Beach, Missouri. Doc. [1] at 1. Meanwhile, the real property at issue is also located in Sunrise Beach. Osage Beach and Lake Ozark are in Camden and Miller Counties, while Sunrise Beach is in Camden and Morgan Counties. Camden, Miller, and Morgan Counties are all in the Central Division of the Western District of Missouri. *See* 28 U.S.C. § 105(b)(4).

Under 28 U.S.C. § 1391(b), a civil action may only be brought in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”

Because defendants and the subject property are all located in the Western District, and because the events giving rise to this case occurred in the Western District, venue is proper there.

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Since plaintiff is proceeding as a self-represented litigant, the Court finds that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to proceed in forma pauperis Doc. [2] is **PROVISIONALLY GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk of Court shall transfer this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(b).

Dated this 7th day of December, 2021.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE